

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

EMMA MCGOWAN,

Plaintiff,

-against-

JPMORGAN CHASE & CO.,

Defendant.

No. 1:18-CV-8680 (PAC)(GWG)

JOINT STIPULATION AND [PROPOSED] ORDER

WHEREAS, Plaintiff filed this action naming JPMorgan Chase & Co. as the Defendant (ECF Dkt. 1);

WHEREAS, the Parties wish to correct the name of the Defendant;

WHEREAS, Plaintiff wishes to dismiss the Third Cause of Action (Discrimination Because of Disability in Violation of New York City Human Rights Law) (“Third Cause of Action”) from her Complaint (ECF Dkt. 1); and

WHEREAS, the Parties wish to avoid the necessity of filing an amended complaint and answer;

IT IS HEREBY STIPULATED, AGREED, AND ORDERED as follows:

1. Pursuant to Federal Rule of Civil Procedure 15, the Complaint (ECF Dkt. 1) (“Complaint”) is hereby amended to remove JPMorgan Chase & Co. and to substitute JPMorgan Chase Bank, N.A. as Defendant;
2. This amendment relates back to the original date of the filing pursuant to Federal Rule of Civil Procedure 15(c);

3. Defendant JPMorgan Chase Bank, N.A. is considered to have been properly and timely served pursuant to Federal Rule of Civil Procedure 4, and is hereby waiving any argument that service of the Complaint was in any way improper, or that notice was in any way deficient;

4. All allegations in the Complaint directed at JPMorgan Chase & Co. are now intended to be directed at JPMorgan Chase Bank, N.A.;

5. JPMorgan Chase & Co. is dismissed with prejudice;

6. Plaintiff's Third Cause of Action is dismissed with prejudice;

7. The words "and retaliated against her after she requested a reasonable accommodation for a pregnancy-related disability" from Paragraph 3 of Plaintiff's Complaint are stricken;

8. The words "and Disability" from the header on Page 5 of Plaintiff's Complaint are stricken; and

9. Paragraphs 40-42 of Plaintiff's Complaint are stricken;

10. The words "for requesting an accommodation" from Paragraph 45 of Plaintiff's Complaint are stricken;

11. Paragraphs 61-65 of Plaintiff's Complaint are stricken;

12. The words "requesting a reasonable accommodation and" from Paragraph 67 of Plaintiff's Complaint are stricken;

13. The words "because of her protected request for a reasonable accommodation" from Paragraph 68 of Plaintiff's Complaint are stricken;

14. Defendant's Answer and Defenses to Plaintiff's Complaint (ECF Dkt. 11) is sufficient and Defendant does not need to (and will not) file a new answer based on the above amendments; and

15. Defendant is not waiving any defenses by not filing a new answer.

Dated: August 23, 2019

By:

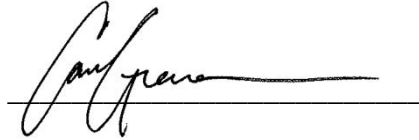


Attorneys for Defendant

MORGAN, LEWIS & BOCKIUS LLP

Melissa D. Hill
Nicole M. Zito
101 Park Avenue
New York, NY 10178-0600
Phone: (212) 309-6000

By:



Attorneys for Plaintiff

OUTTEN & GOLDEN LLP

Cara E. Greene
Gregory S. Chiarello
Nina R. Frank
685 Third Avenue, 25th Floor
New York, New York 10017
Telephone: (212) 245-1000

SO ORDERED:

By:

HON. GABRIEL W. GORENSTEIN

Dated: New York, New York
August __, 2019